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Edward Menosse, Pasquale Parenti, and Estate of Pina J.
Barbieri

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JERRY VAUGHN and THERESA
TRAVERS,

Plaintiffs,

v.

BAY ENVIRONMENTAL MANAGEMENT
INC., CAESAR NUTI, DENNIS VARNI,
MARIO AQUILINO, LOYD BONFANTE
SR., JOSEPH DELLA ZOPPA, ESTATE OF
RICHARD GRANZELLA SR., EDWARD
MENOSSE, PASQUALE PARENTI, FSC
SECURITIES CORPORATION, AND
JERROLD N. WEINBERG

Defendants.

FSC SECURITIES CORPORATION and
JERROLD N. WEINBERG,

Cross-Claimants,

v.

BAY ENVIRONMENTAL MANAGEMENT
INC., ESTATE OF PINA J. BARBIERI,
CAESAR NUTI, DENNIS VARNI,

Cross-Defendants.

Case No. C03-5725 SC

**STIPULATION AND [PROPOSED]
ORDER VACATING HEARING ON
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

1 WHEREAS, the parties filed a settlement term sheet with the Court on July 30, 2010
 2 (Docket No. 206), which set forth the essential terms on which they have agreed to settle this
 3 matter;

4 WHEREAS, the parties filed a stipulation and proposed order on August 6, 2010
 5 (Docket No. 207), stating that they expected to finalize their settlement agreement in a formal
 6 written document no later than August 18, 2010, and that Plaintiffs expected to file their
 7 unopposed motion for preliminary approval of the settlement no later than August 20, 2010;

8 WHEREAS, the parties' August 6, 2010 stipulation requested that the hearing on the
 9 motion for preliminary approval be set for September 3, 2010, at 10:00 a.m.;

10 WHEREAS, the Court approved the parties' stipulation on August 9, 2010 (Docket No.
 11 208), vacating all prior dates set on the Court's calendar and setting the hearing on the motion
 12 for preliminary approval for September 3, 2010;

13 WHEREAS, the parties have been working diligently on the formalization of the
 14 settlement agreement, but have been unable to finalize the settlement as of this time;

15 WHEREAS, the parties expect to execute a finalized settlement agreement in the near
 16 future, with Plaintiffs filing an unopposed motion for preliminary approval of that agreement;

17 NOW, THEREFORE, the parties stipulate, and respectfully request the Court to order,
 18 as follows:

- 19 1. That the September 3, 2010 hearing date be vacated; and
- 20 2. That the parties submit a status report to the Court in two weeks, if the
 21 settlement and Plaintiffs' motion for preliminary approval has not been filed by that time.

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23 ///

24 ///

1 DATE: August 20, 2010

MORGAN LEWIS & BOCKIUS LLP

2
3 By: /s/ Nicole A. Diller
4 Nicole A. Diller
5 Attorneys for Defendants
6 BAY ENVIRONMENTAL
7 MANAGEMENT INC., CAESAR NUTI,
8 DENNIS VARNI, MARIO AQUILINO,
9 LOYD BONFANTE SR., JOSEPH DELLA
10 ZOPPA, ESTATE OF RICHARD
11 GRANZELLA SR., EDWARD MENOSSE,
12 PASQUALE PARENTI, AND THE
13 ESTATE OF PINA J. BARBIERI

10 DATE: August 20, 2010

LEWIS, FEINBERG, LEE, RENAKER &
JACKSON, P.C.

11
12 By: /s/ Teresa S. Renaker
13 Teresa S. Renaker
14 Attorneys for Plaintiffs JERRY VAUGHN
and THERESA TRAVERS

15 DATE: August 20, 2010

WILSON, ELSER, MOSKOWITZ, EDELMAN &
DICKER LLP

16
17 By: /s/ Bernard Gehlhar
18 Bernard Gehlhar
19 Emily Wood
20 Attorneys for Co-Defendants FSC
SECURITIES CORPORATION and
JERROLD N. WEINBERG

21
22 **ATTESTATION**

23
24 Pursuant to General Order 45(X), I attest that concurrence in the filing of this document
25 has been obtained from each of the other signatories.

26 Dated: August 20, 2010

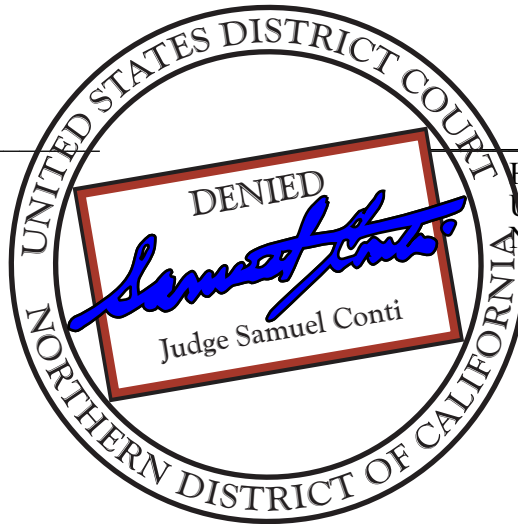
27 By: /s/ Nicole A. Diller
Nicole A. Diller

[PROPOSED] ORDER

Pursuant to stipulation, the Court hereby ORDERS as follows:

1. The hearing set for September 3, 2010 at 10:00 a.m. on the motion for preliminary approval of the class action settlement in this matter is vacated.
2. The parties are ordered to submit a status report in this matter on September 3, 2010 if no motion for preliminary approval of a settlement has been filed by that date.

DATE: _____



Hon. Samuel Conti
United States District Court Judge
Northern District of California